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| EXAMINER |
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CANTELMO, GREGG

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| ART UNIT | PAPER NUMBER |
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1745

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,819

Applicant(s)

OE ET AL.

Examiner

Gregg Cantelmo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 7 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the amendment received on June 16, 2005:
 - b. The prior art rejection stands.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on July 10, 2000. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b). The IB has not provided the Examiner with a photocopy of the foreign priority document.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to recite a void as defined in claim 1 and the amendment does not provide any direction as to where such limitation has support in the original disclosure. Therefore this limitation is held to introduce new matter into the claim.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The term "void" in claims 1-2 and 4-6 is a relative term which renders the claims indefinite. The term "void" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The exact meaning of the term void in relation to the claimed invention is not described in the original disclosure and is vague with respect to the newly added limitations.

b. The term "about" in claims 1-2 and 4-6 is a relative term which renders the claims indefinite. The term "about" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The specification fails to provide any range or values which were appreciated as being about perpendicular at the time the claimed invention was conceived.

c. It is unclear how the vertical strip can extend in a direction about perpendicular to itself.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art relied upon in the instant application in view of U.S. patent No. 5,909,102 (Stone) and U.S. Design Patent No. D. 486,448 (Watanabe).

The admitted prior art of Figs. 10A-10D, 11 and 12A-12C disclose a receptacle for battery-using apparatuses comprising: a plug inserting removing portion 103, a signal post 102 on the other side of the plug portion 103, electrode disposing portion 106 on the side of portion 103 which is provided with a contact for a battery 104 made of plate springs protruding in parallel with each other on a surface of said plug inserting/removing portion 103.

The battery contact of the admitted prior art comprises: a board connecting portion 104b to connect to a circuit board in the electronic device; a slant strip 104c complied with the board connecting portion which protrudes towards the electrode disposing portion 106 and is flexible toward the electrode disposing portion; an electrode contact portion 108 formed at the tip of slant strip 104c having a rough U-shape protruding from the rear surface of the electrode disposing portion and which comes into contact with the battery electrode (as applied to claim 1).

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The receptacle has a housing space opened toward an under surface and top surface of the electrode disposing portion wherein (Fig. 12 C as applied to claims 2, 5 and 6).

The differences between the claims and the admitted prior art relied upon in the instant application are that the admitted prior art relied upon in the instant application does not teach of the electrode disposing portion provided with a contact for a battery protruding on a rear surface side of the plug inserting/removing portion (claim 1), of the contact providing site (amended claim 1); of the housing space opened toward a rear surface side of the electrode disposing portion (claim 2) of the contacting electrode portion disposed on a front surface side of the electrode disposing portion (claim 4).

In the admitted prior art relied upon in the instant application the electrode disposing portion provided with a contact for a battery protruding is disposed on a top surface side of the plug inserting/removing portion (see Fig. 10B and 10D).

Stone discloses an electrode disposing portion provided with a contact for a battery wherein the electrode disposing portion is provided from a rear surface of the battery receptacle. Furthermore Stone shows the general contact board arrangement of claim 1 having a board connecting portion in Fig. 5 and Fig 7. A vertical strip of the contact element is disposed along a vertical inner wall surface on a front surface side in the housing. A void surrounding locking tooth 412 is between the board connecting portion and vertical strip and the vertical strip, which has 3 dimensions, extends perpendicular to the vertical strip in a thickness direction (as applied to claim 1).

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In providing the electrode disposing portion of Stone, the housing space would be opened toward a rear surface side of the electrode disposing portion and the contacting electrode portion would be disposed on the front surface side of the electrode disposing portion (as applied to claims 2 and 4-5).

This configuration provides a secure electrical contact between the battery and the electronic device.

Therefore it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the teachings of the admitted prior art relied upon in the instant application by providing an electrode disposing portion provided with a contact for a battery wherein the electrode disposing portion is provided from a rear surface of the battery receptacle as taught by Stone since it would have provided a secure electrical contact between the battery and the electronic device.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2 and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

It is held that Stone still teaches the amended limitations of claim 1 as shown in Figs. 5 and 7.

Again, applicant asserts that the prior art rejection of record does not teach or suggest the amended limitations incorporated into claim 1 but fails to provide any reasoning explaining why or how their position is valid and persuasive. Therefore since the prior art rejection is still held to teach the limitations of claims 1, 2 and 4-6 and since

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there is no convincing arguments in the written record to support Applicant's position, the prior art rejection of record stands.

Allowable Subject Matter

8. Claims 3 and 7 are allowed for reasons set forth in previous office actions.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for

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the organization where this application or proceeding is assigned is 703-872-9306.

FAXES received after 4 p.m. will not be processed until the following business day.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo
Primary Examiner
Art Unit 1745

gc

A handwritten signature in black ink, appearing to read "Gregg Cantelmo", with a stylized flourish at the end.

August 20, 2005